



January 26, 2009

Daniel Brinza  
Assistant United States Trade Representative  
for Monitoring and Enforcement  
Office of the U.S. Trade Representative  
600 17<sup>th</sup> St. N.W.  
Washington DC 20508

Re: USTR Docket 2008-44: WTO Consultations Concerning the Administrative Review of Antidumping Duties on Orange Juice from Brazil

Dear Mr. Brinza:

This letter is in response to your agency's request for comments published in the Federal Register on December 31, 2008 (73 Fed. Reg. 80442), concerning the upcoming consultations and potential WTO dispute relating to the Department of Commerce's application of its policy of "zeroing" in the administrative review of orange juice from Brazil.

Silver Springs produces approximately 20 million gallons of Not From Concentrate Florida orange juice annually. Our primary customers are major private label customers who do not have dairy systems or packaging facilities. At times we must import orange juice from Brazil to compensate for Florida crop fluctuations due to freezes (as occurred last week), hurricanes and disease. While we understand the requirement that imported orange juice from Brazil be priced fairly as against Florida production, we cannot see how the Department of Commerce zeroing policy furthers that requirement. If anything it leads to our paying more than a fair price for Brazilian imports.

The way we understand zeroing, is that the Department of Commerce does not offset those sales below value with the full value of sales above normal value but rather caps above value sales at zero. This is fundamentally unfair.

Silver Springs urges the US Trade Representative and the US Commerce Department to reverse its policy of zeroing in administrative reviews on orange juice from Brazil.

Thank you for your consideration.

Sincerely,

John Rees  
President  
Silver Springs Citrus, Inc.